



## ***CITY OF MIAMI SPRINGS, FLORIDA***

### **CITY CLERK'S SUMMARY OF COUNCIL ACTIONS Special Meeting of Tuesday, May 29, 2007 - 7:00 p.m. – Council Chambers**

#### **AGENDA ITEM NUMBER AND SUBJECT**

##### **1. Call to Order/Roll Call**

All present.

##### **2. Invocation/Salute to the Flag::**

Councilman Garcia/The audience participated.

##### **3. Awards & Presentations:**

##### **3A) Certificates of Recognition – Participants of the State-National History Competition from All Angels Academy**

Mayor Bain presented individual Certificates of Recognition to the participants to the State-National History Competition from All Angels Academy.

##### **3B) Pioneer Resident Award – Patricia Ball Deringer**

Mayor Bain presented the Pioneer Resident Award to Patricia Ball Deringer in recognition of her contributions to the community.

##### **4. Open Forum:**

###### **Recognition**

Michael Gavila suggested to Council that Douglas Ramos should receive a proclamation because he is the only local swimmer from the swim club participating in the national swimming competition in Houston from July 30<sup>th</sup> through August 5, 2007.

**5. Approval of Council Minutes:**

**5A) 05/14/2007 – Regular Meeting**

**Approved as written.**

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 5-0

**6. Reports from Boards & Commissions:**

**6A) 05/08/2007 – Recreation Commission – Minutes**

**6B) 05/09/2007 – Golf and Country Club Advisory Board – Minutes**

**6C) 05/10/2007 – Board of Parks and Parkways – Minutes**

**6D) 05/15/2007 – Education Advisory Board – Minutes**

**6E) 05/16/2007 – Historic Preservation Board – Minutes**

**6F) 05/22/2007 – Ecology Board – Cancellation Notice**

**6G) 05/24/2007 – Code Review Board – Cancellation Notice**

**6H) 06/19/2007 – Education Advisory Board – Cancellation Notice**

Agenda Items 6A through 6H were received for information without comment.

**7. Public Hearings:**

Council sat as the Board of Appeals at 7:12 p.m. to hear Case No. 23-V-07.

The Mayor reconvened the City Council meeting at 7:40 p.m.

**8. Consent Agenda:**

**8A) Recommendation that Council Waive the Competitive Bid Process and Approve an Expenditure Not to Exceed \$30,000 to the Law Firm of Akerman Senterfitt for Police Department Legal Services, Pursuant to Section 31.11 (E) (6) (g) of the City Code**

Council **waived** the competitive bid process and **approved** an expenditure of, not to exceed \$30,000, to Akerman Senterfitt.

**Motion:** Councilman Youngs

**Second:** Councilman Garcia

**Vote:** 5-0

**9. Old Business:**

**9A) Status Report Regarding the Transfer of the Water and Sewer Systems to the County**

The City Manager **submitted a report** on the meeting he had with representatives from WASA to find out the ramifications of selling the City's water and sewer system to the County. The cost of paying off the bonds, changing meters, sleeving, etc. is about \$19.7MM. The report also contained a chart comparing the City and County rates and pointed out the advantages and disadvantages of a possible transfer. The report also referred to previous correspondence sent to Council explaining the statutory regulations regarding the sale of a water and sewer utility by a City.

**George Rodriguez** was present on behalf of the County and answered Council's questions. He will also submit additional responses to questions.

Council **directed** the Administration to move forward and prepare a full report, including a cost breakdown of the \$19.7MM for presentation during the second meeting in June.

The possibility of scheduling a **workshop** meeting was also discussed, but no action was taken.

**9B) Discussion Regarding Tot-Lot Shading Alternatives**

Council **received** correspondence regarding information sent to prospective bidders on the shade systems being currently constructed and a recap of the bids opened earlier on the same day. Council **directed** the Administration to schedule this item for discussion at the next meeting.

### **9C) Status Report – Evaluation and Appraisal Report**

Council **received** information that the revised adopted Evaluation and Appraisal Report was transmitted to the Department of Community Affairs (DCA), and that copies were forwarded to the South Florida Regional Planning Council, the Florida Department of Transportation and the South Florida Water Management District. The City Planner informed Council that DCA will issue their preliminary sufficiency finding on or about July 17<sup>th</sup> and the final sufficiency no later than August 16<sup>th</sup>.

Council **scheduled** a Workshop Meeting for Monday, June 18, 2007 at 7 p.m., subject to availability of the FIU Staff to be present. The meeting is to be advertised as a public hearing.

### **10. New Business:**

#### **10A) Consideration of Additional \$25,000 Exemption for Seniors (Requested by Councilman Dotson)**

Council **tabled** this item pending outcome of actions that will be taken by the Florida Legislature in June.

#### **10B) Discussion Regarding Hiring a Lobbyist (Requested by Councilman Garcia)**

By consensus, Council **directed** the City Manager to send out a Request for Qualifications for a lobbyist.

#### **10C) Recommendation that Council Award Bid # 05-06/07 to Alberni, Caballero, and Castellanos, the Lowest Responsible Bidder, in an Amount not to Exceed \$39,000, for External Auditing Services, Pursuant to Section 31.11 (E) (1) of the City Code**

Council **awarded** Bid # 05-06/07 to Alberni, Caballero, and Castellanos, in an Amount not to Exceed \$39,000, for external auditing services.

**Motion:** Councilman Youngs

**Second:** Vice Mayor Best

**Vote:** 5-0

**10D) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-029, Political and Election Sign Regulations; by Eliminating Certain Ordinance Provisions, Modifying Certain Ordinance Provisions, and Adding Certain Ordinance Provisions; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

**Approved, as amended, on first reading.**

**Motion:** Councilman Youngs

**Second:** Councilman Garcia

**Vote:** 5-0

**10E) First Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Enacting New Code of Ordinance Section 52-13, Mandatory Metering-New Apartments and Condominium Units; by Providing that all Newly Constructed Units in the City are Required to be Individually Metered; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date**

**Approved on first reading.**

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vice Mayor Best:** “aye”

**Councilman Dotson:** “aye”

**Councilman Garcia:** “aye”

**Councilman Youngs:** “absent at roll call”

**Mayor Bain:** “aye”

**Vote:** 4-0

**10F) Discussion Regarding Change of City Election to Avoid Conflict with Spring Break**

Council **discussed** this item and **directed** the Administration to **schedule** the item again for discussion during the second meeting in June.

**10G) Resolution – A Resolution of the City Council of the City of Miami Springs Authorizing and Adopting Rules and Regulations for Parks and Recreational Facilities; Authorizing Enforcement; Effective Date**

**Adopted** (Resolution No. 2007-3359)

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vote:** 5-0

**10H) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Appendix of Civil Infraction Code Sections and Civil Penalties for Violations Appended to, and Made a Part of, Code of Ordinance Section 101-01, Supplemental Code Enforcement Citation System; Directions to Codifiers; Effective Date**

**Adopted** (Resolution No. 2007-3360)

**Motion:** Councilman Garcia

**Second:** Vice Mayor Best

**Vice Mayor Best:** “aye”

**Councilman Dotson:** “aye”

**Councilman Garcia:** “aye”

**Councilman Youngs:** “aye”

**Mayor Bain:** “no”

**Vote:** 4-1

**10I) Consideration of Request from Habitat for Humanity of Greater Miami to Locate Administrative Offices at the First Presbyterian Church, 301 Westward Drive**

Council **discussed** the request from Habitat for Humanity to locate their offices in Miami Springs at 301 Westward Drive. Council asked the applicant to **submit additional information** for consideration at the next meeting.

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*Councilman Garcia moved to extend the meeting for 15 minutes until 11:15 p.m. Councilman Youngs seconded the motion which carried 5-0 on voice vote.*  
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**10J) Discussion of Historic Preservation Board Minutes Regarding Hybrid Designation of the Golf Course (Refer to Minutes under Agenda Item 6E)**

Item **tabled**. To be scheduled for discussion at the next meeting.

**10K) Recommendation that Council Approve a One-year Extension of City Bid No. 06-05/06 Originally Awarded on July 1, 2006 for Congregate and Home Delivered Meals for the Senior Center with Greater Miami Caterers**

Council **waived** the competitive bid process and **approved** a one-year extension of City Bid No. 06-05/06 for congregate and home delivered meals for the Senior Center with Greater Miami Caterers.

**Motion:** Vice Mayor Best

**Second:** Councilman Garcia

**Vote:** 5-0

## 11. Other Business:

### 11A) Tax Reform Legislation

Council **received a written report** regarding the effect of the proposed tax cut plans which included a worksheet with an analysis of the State versus the County tax reform proposal. It also included a chart with data supplied by the County property appraiser and the University of Florida showing the number of homes and commercial buildings that will be affected by the two tax plans. Council **directed** the Administration to schedule this item for discussion at the next meeting.

### 11B) Approval of School Board Contract

Council **authorized** the City Manager to execute the School Board Contract for the rental of a 60 passenger bus for the planned Recreation Department summer camp outings.

**Motion:** Councilman Garcia

**Second:** Councilman Youngs

**Vote:** 5-0

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*Councilman Garcia moved to extend the meeting for 15 minutes until 11:30 p.m. Councilman Youngs seconded the motion which carried 5-0 on voice vote.*  
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## 12. Reports & Recommendations:

### 12A) City Attorney

No report.

### 12B) City Manager

#### **Gym: Phase II Engineering Report**

The City Manager reported that the Phase II desktop work is finished and the engineering firm will be provided with a lift to perform a physical examination of the gym on Thursday, May 31<sup>st</sup>. He hopes to have a final report before the June 11<sup>th</sup> meeting.

## **12B) City Manager (Continued)**

### **Starbucks Coffee**

The City Manager reported that the target date for opening Starbucks Coffee is June 23<sup>rd</sup>. Mayor Bain inquired about the status of downtown additional parking. The City Manager informed him that the City put out a request for proposals. Mayor Bain asked the City Manager to look into speed bumps or traffic calming devices.

### **Country Club**

The City Manager stated that the restaurant was not open on Monday, May 28<sup>th</sup> at the Country Club. He spoke with Carlos Santana to express his complete displeasure. They will be meeting to discuss this and other issues.

### **Golf and Country Club**

The City Manager announced that May is a record breaking month for the Golf operation.

### **Summer Program**

The City Manager stated that the gymnasium will open during the summer on Sundays from 1:00 to 5:00 p.m. as a pilot program in order to see what kind of response is received.

### **Vacation**

The City Manager announced that he will be on vacation and this weekend the Chief of Police will be in charge while Assistant City Manager Gorland is also out of town this weekend only.

## **12C) City Council**

### **Vice Mayor Best:**

#### **Spider Bite**

Vice Mayor Best stated that a Miami Springs resident was recently bitten by a brown recluse spider, which is the most dangerous and poisonous spider on this planet. He urged everyone to be aware because they are not much bigger than the size of a quarter. The person that was bitten developed a staph infection and he hopes she is doing better.



## **Vice Mayor Best: (Continued)**

### **Tax Reform**

Vice Mayor Best reported that he attended a luncheon with State Representatives Dan Gelber, Luis Garcia, Yolly Roberson and others to express the City's concerns regarding the upcoming vote in the special legislative session. He spent time with the City Manager to discuss how to communicate the hopes for Miami Springs. One message conveyed was a possible liberalization for the use of the Law Enforcement Trust funds so that they could be used for operational purposes.

## **Councilman Dotson:**

### **Fair Havens**

Councilman Dotson asked if Fair Havens was issued a permit for the air conditioning sound barrier. The Assistant City Manager responded that Fair Havens had not applied for a permit. The next step would be for Council to direct the citation process to begin. The indication is that they are having difficulty with the existing plans and they were going to have the Trane architect review the plans or have a copy made for \$35.00, but they were not interested. At this point they are still waiting for the architect to come to City Hall.

### **Tax Assessment Valuation**

Councilman Dotson asked when the City would receive the tax assessment valuation. The City Manager confirmed that Council would be notified when the assessed values are received in June.

### **Selective Code Enforcement**

Councilman Dotson said that he spoke with Bill Booher about the photographs that were sent to Council concerning Code Enforcement problems.

**Selective Code Enforcement  
(Continued)**

The Assistant City Manager explained that he met with Mr. Booher and wrote a memorandum highlighting the points of their discussion. Mr. Booher told him that he is not a repeat offender and his boat was only moved into the swale for purposes of mowing the lawn and it was moved to the back yard afterward. Mr. Booher admitted that he may have left the boat on the swale overnight. This matter has been discussed with Mr. Booher on seven other occasions since 1998. Five of the photographs submitted by Mr. Booher were not Code violations. He suggested that Mr. Booher could speak with the City Manager, the Code Enforcement Supervisor, or take whatever steps he felt were necessary. Mr. Booher understood he was not supposed to have the boat on the swale overnight.

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*Councilman Dotson moved to extend the meeting for 15 minutes until 11:45 p.m. Councilman Youngs seconded the motion which carried 5-0 on voice vote.*

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Councilman Dotson explained that Mr. Booher was of the opinion that it was selective enforcement and that is why he took as many as twenty photographs.

**Councilman Garcia:**

**Brain Aneurism Walk**

Councilman Garcia attended the walk sponsored by “Bodies by Mari” to fight brain aneurism, which was a successful event and hopefully more people will be encouraged to participate in these types of charitable events.

**Mayor Bain:**

**Park Restrooms**

Mayor Bain requested a report from the City Manager on the park restrooms.

City Manager Borgmann stated that a letter and check for \$360.00 was submitted to DERM for the permit for Dove Avenue Park for a new sewer connection. There is another minimal fee that is required and he will talk to the Finance Director about issuing the check. He explained that the work at Stafford Park could not commence until all the fees are paid.

**Optimist Club Fishing Tournament**

Mayor Bain reminded everyone about the Optimist Club Fishing Tournament and Fish Fry on Saturday, June 9<sup>th</sup> that will be preceded by the Captain's Meeting on Thursday, June 7<sup>th</sup> at Holleman's Restaurant.

**13. Adjourn.**

Adjourned at 11:35 p.m.